



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Carol A. Spiegel
Telephone: (703) 308-9797
Facsimile: (703) 305-0942

MAILED**APR 23 2001**

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Applicant: Caras
Application No.: 08/635,130
Filed: 04/19/96
For: AL-2 Neurotrophic Factor Nucleic
Acid

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 104,563.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

A handwritten signature in cursive script that reads "Carol A. Spiegel".

Carol A. Spiegel
Administrative Patent Judge

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 1

Filed by: Carol A. Spiegel
Administrative Patent Judge
Box Interference
Washington, DC 20231
Tel: 703-308-9797
Fax: 703-305-0942

Filed: April 23, 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

INGRID W. CARAS

Junior Party,
Application 08/635,130

v.

SAMUEL DAVIS, NICHOLAS W. GALE
and GEORGE D. YANCOPOULOS

Senior Party
Application 09/051,994

Patent Interference No. 104,563

NOTICE DECLARING INTERFERENCE
(37 CFR § 1.611)

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.

MAILED

APR 23 2001

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Details of the application(s), patent (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

Part B. Judge designated to handle the interference

Administrative Patent Judge Carol A. Spiegel has been designated to handle the interference. 37 CFR § 1.610(a).

Part C. Standing order

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

Part D. Conference call to set dates

A telephone conference call to set dates for taking action in the interference is scheduled for **1:00 p.m. on June 19, 2001** (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See § 17 of the STANDING ORDER.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE.

Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some mutual agreement as to dates for taking action. A typical

Interference No. 104,563
Davis v. Caras

preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. The parties involved in this interference are:

Junior Party

Named inventors:	Caras, Ingrid W.
Application:	08/635,130, filed April 19, 1996
Title:	AL-2 Neurotrophic Factor Nucleic Acid
Assignee:	GENENTECH, INC.
Accorded Benefit:	None
Attorneys:	See last page
Address:	See last page

Interference No. 104,563
Davis v. Caras

Senior Party

Named inventors:	Davis, Samuel Gale, Nicholas W. Yancopoulos, George D.
Application:	09/051,994, filed April 24, 1998
Title:	Biologically Active EPH Family Ligands
Assignee:	REGENERON PHARMACEUTICALS, INC.
Accorded Benefit:	of PCT application PCT/US96/17201, filed October 25, 1996 of US provisional application 60/007,015, filed October 25, 1995
Attorneys:	See last page
Address:	See last page

Part F. Count and claims of the parties

Count 1

An isolated nucleic acid sequence according to claim 3 of Caras application '130
encoding amino acid sequence SEQ ID NO:4

or

an isolated nucleic acid sequence according to any of Davis application '994 claims 1 or
3 encoding amino acid sequence SEQ ID NO: 1 wherein Xaa in SEQ ID NO: 1 is "R. "

The claims of the parties are:

Caras application '130: 3, 7, 9, 12-17 and 40-42

Davis application '994: 1-14

The claims of the parties that correspond to Count 1 are:

Caras application '130: 3, 9, 12-17, 40 and 42

Davis application '994: 1, 3 and 7-14

The claims of the parties that do not correspond to Count 1, and therefore are not
involved in the interference on the issue of priority, are:

Caras application '130: 7 and 41

Davis application '994: 2 and 4-6

Interference No. 104,563
Davis v. Caras

Part G. Heading to be used on papers

The following heading shall be used on papers filed in the interferences. See
§ 18 of the STANDING ORDER.

Paper _____¹

Filed on behalf of [name of party]
By: Name of lead counsel, Esq.
Name of backup counsel, Esq.
Street address
City, State and Zip-Code
Tel:
Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

INGRID W. CARAS
Junior Party,
Application 08/635,130

v.

SAMUEL DAVIS, NICHOLAS W. GALE
and **GEORGE D. YANCOPOULOS**
Senior Party
Application 09/051,994

Patent Interference No. 104,563 (CAS)

TITLE OF PAPER

¹ Leave a blank line because the board assigns the paper number.

Part H. Summary of dates for taking action

Times for taking action are set out in the following sections of the STANDING ORDER:

1. **§ 7:** date for identifying lead and backup counsel.
2. **§ 8:** date for identifying any real party in interest.
3. **§ 9:** date for requesting copies of involved and benefit applications and patents.
4. **§ 17:** date for filing list of proposed preliminary motions.
5. **§ 19:** date for accomplishing certain discovery.
6. **§ 20:** date for filing clean copy of claims.
7. **§ 21:** date for filing clean copy of claims in cases with drawings and/or claims containing a means plus function limitation.
8. **§ 23:** dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
9. **§ 33:** date for objecting to admissibility of evidence.
10. **§ 34:** date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
11. **§ 35:** dates when cross-examination can take place.
12. **§ 45:** dates for taking action with respect to settlement discussions.

Interference No. 104,563
Davis v. Caras

Part I. Order form for requesting file copies

FILE COPY REQUEST

Interference 104,563 (CAS)

A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. _____
2. Complete address, including street, city, state, zip code and telephone number (do not list a Post Office box inasmuch as file copies are sent via commercial overnight courier).

Telephone, including area code: _____

Interference No. 104,563
Davis v. Caras

Part J. Signature of administrative patent judge



Carol A. Spiegel
Administrative Patent Judge

Date: April 23, 2001
Arlington, VA

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference (ORDERPM6)

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference (ORDERTE6)

PTO Form 850

Copy of claims of application 08/635,130
claims of application 09/051,994

Copy of application 08/635,130 SEQ ID NO: 4
application 09/051,994 SEQ ID NO:1

DECLARE.007
Revised September, 2000
(replaces DECLARE.006.01)

Interference No. 104,563
Davis v. Caras

104,563
cc (via Federal Express):

Attorney for Davis
(real party in interest,
Regeneron Pharmaceuticals, Inc.):

Robert J. Cobert
Regeneron Pharmaceuticals, Inc.
777 Old Saw Mill River Road
Tarrytown, NY 10591

Attorney for Caras
(real party in interest,
Genentech, Inc.):

Ginger R. Dreger
KNOBBE, MARTENS, OLSON & BEAR, LLP
620 Newport Center Drive
Sixteenth Floor
Newport Beach, CA 92660

Interference No. 104,563
Davis v. Caras